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JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1964.

No. [REDACTED] 47

JAY GIACCIO,

Appellant,

v.

COMMONWEALTH OF PENNSYLVANIA,

Appellee.

On Appeal From the Supreme Court of Pennsylvania.

**APPELLANT'S BRIEF IN REPLY TO MOTION TO
DISMISS FOR LACK OF JURISDICTION
BY APPELLEE.**

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IN THE
Supreme Court of the United States.

October Term, 1964

No. 831

JAY GIACCIO,

Appellant,

v.

COMMONWEALTH OF PENNSYLVANIA,

Appellee.

ON APPEAL FROM THE SUPREME COURT OF PENNSYLVANIA.

**APPELLANT'S BRIEF IN REPLY TO MOTION TO
DISMISS FOR LACK OF JURISDICTION BY
APPELLEE.**

ARGUMENT.

Appellee, in its Motion to Dismiss Appeal for Lack of Jurisdiction, contends that this Court is bound by the Pennsylvania Supreme Court's "construction" that Fourteenth Amendment due process protections do not apply to the Act of 1860 because the Act is "civil" rather than "penal." To whatever extent this could have been argued feasibly before has now been concluded by *One 1958 Plymouth Sedan v. Pennsylvania*, — U. S. —, decided one week ago.

Appellee's other contentions have been discussed fully in Appellant's Jurisdictional Statement which is hereby affirmed in full and urged upon the Court.

CONCLUSION.

Appellant prays that the Court note its probable jurisdiction, require briefs and oral argument on the merits and reverse the judgment and order of the Supreme Court of Pennsylvania.

Respectfully submitted,

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Attorneys for Appellant.

May 6, 1965.